

REMARKS

Claims 1-5, 7-11 and 13-15 are pending in this application, of which claims 1, 7, 9 and 13 have been amended. No new claims have been added.

Claims 1-15 stand rejected under 35 USC §103(a) as unpatentable over U.S. Patent 4,387,330 to Zigler (hereinafter "**Zigler**") in view of U.S. Patent 5,097,166 to Mikulic (hereinafter "**Mikulic**").

Applicants respectfully traverse this rejection.

As noted in Applicants' previous response of July 19, 2002, **Zigler** discloses a single phase alternating current induction type electric motor designed for use in hermetically sealed compressors. A conventional squirrel cage rotor 21 suitably journaled for rotation within a conventional slotted stator core 22 is provided.

The Examiner has cited **Mikulic** for disclosing a rotor 30 and four permanent magnets 40-43 embedded in the rotor yoke 72.

Mikulic fails to disclose or even suggest that the permanent magnets are rare earth type, as recited in claims 6 and 12 of the instant application. As disclosed on page 10, lines 16-18 of the specification, the rare earth magnets have the "highest magnetic flux density among permanent magnets".

Claims 6 and 12 have been cancelled and claims 1 and 9 have been amended to recite this distinction.

Also, it should be noted that **Zigler** fails to specifically disclose a "skewed structure" for

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the squirrel-cage secondary conductor of the rotor, as recited in claims 5 and 11, which respectfully depend from claims 1 and 9, or that the "skew pitch is set to more than 0, and 1.5 slot pitches or less", as recited in claim 11.

Thus, the 35 USC §103(a) rejection should be withdrawn with regard to claims 1-5, 7-11 and 13-15.

In view of the aforementioned amendments and accompanying remarks, claims 1-5, 7-11 and 13-15, as amended, are in condition for allowance, which action, at an early date, is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Version with markings to show changes made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE 09/812,951

IN THE CLAIMS:

Please cancel claims 6 and 12.

Please amend claims 1, 7, 9 and 13 as follows:

1. (Twice Amended) A sealed motor compressor comprising, in a sealed container, a compressing element and an electromotive element for driving the compressing element, wherein said electromotive element is fixed to said sealed container and comprises a stator provided with a stator winding and a rotor which rotates in the stator, and wherein said rotor comprises a squirrel-cage secondary conductor disposed in a peripheral portion of a rotor yoke and a plurality of rare earth permanent magnets embedded in the rotor yoke.

7. (Three Times Amended) The sealed motor compressor according to claim 1, wherein the number of the rare earth permanent magnets embedded in the rotor yoke is any number selected from the group consisting of two, four, six and eight.

9. (Twice Amended) A sealed motor compressor comprising, in a sealed container, a compressing element and an electromotive element for driving the compressing element, said electromotive element being driven by a three-phase power source,

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wherein said electromotive element is fixed to said sealed container and comprises a stator provided with a stator winding and a rare earth permanent magnet embedded type rotor which rotates in the stator, and

said rotor comprises a squirrel-cage secondary conductor disposed in a peripheral portion of a rotor yoke and a plurality of rare earth permanent magnets embedded in said rotor yoke.

13. (Three Times Amended) The sealed motor compressor according to claim 9, wherein the number of the rare earth permanent magnets embedded in the rotor yoke is any even number.